Office Action Summary	Application No.	Applicant(s)	
	09/595,798	BROSNAN, WILLIAM J.	
	Examiner	Art Unit	
	Aaron J. Capron	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

MARK SAGER
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

This is a response to the Amendment received on October 15, 2002, in which claims 1, 17, 21-23, 27, 29 and 31 were amended. Claims 1-31 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Vuong et al. (U.S. Patent No. 5,762,552; hereafter "Vuong").

Referring to claims 27, Vuong discloses a method of providing game serving to a group of gaming machines connected in a network that includes displaying a list of games; receiving a game selection signal for a game selection on the first gaming machine; transmitting the game selection signal to a second gaming machine wherein the second gaming machine includes a housing; a master gaming controller coupled to the housing designed or configured to control a game played on a gaming machine, a display coupled to the housing for displaying the game; one or more input devices coupled to the housing for accepting indicia of credit wherein the indicia of credit are for making wagers on the game played on the gaming machine; a game server for providing one or more services to a plurality of gaming machines within a network (4:12-16); a communication interface connected to a network of gaming machines (3:30-40 and 4:6-19); and downloading coding instructions for the game selection to the first gaming machine

from the game server on the second gaming machine wherein the coding instruction allow the master gaming controller on the first gaming machine to present the game selection to a player (6:9-28, especially 6:23-28).

Referring to claim 28, Vuong discloses that the game is selected from video poker, video black jack, slot games and keno.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 11-23, 25-26, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong.

Referring to claims 1, Vuong discloses a gaming machine that includes a housing; a master gaming controller coupled to the housing designed or configured to control a game played on a gaming machine, a display coupled to the housing for displaying the game; one or more input devices coupled to the housing for accepting indicia of credit wherein the indicia of credit are for making wagers on the game played on the gaming machine; a game server for providing one or more services to a plurality of gaming machines within a network; a communication interface connected to a network of gaming machines (3:30-40 and 4:6-19); wherein the gaming machine is capable of receiving game information from one or more gaming machines via the communication interface (4:6-19), controlling a game service of the game using the received

game information and providing the game to the gaming machines (4:6-19), but does not disclose that the game is a bonus game, a progressive game or a combination of both. However, it is notoriously well known within the gaming arts to include bonus games, progressive games and a combination thereof into gaming machines in order to enhance the payouts and therefore generate interest within the game. For example, Applicant admits that bonus games (Page 1, lines 9-10) and progressive games (Page 1, line 29 to Page 2, line 11) are well known features of gaming machines. It is further noted that these bonus and progressive gaming machines are connected in a networked based environment where the gaming machines are in communication with a server. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a networked based bonus, progressive gaming machine into Vuong's system in order to enhance payouts and generate interest among the games.

Referring to claim 2, Vuong discloses the game played on the gaming machine being a slot game, video poker, video blackjack, keno and lottery (1:5-20 and 4:20-31).

Referring to claim 3, Vuong discloses that the server provides game serving (4:6-19 and 14:25-35).

Referring to claim 4, Vuong discloses the gaming machines are bi-directional and are connected in at least one loop (6:29-48).

Referring to claim 5, the gaming machines can be coupled by wire and wireless connections (7:57-61 and 5:24-35).

Referring to claim 6, Vuong discloses a gaming machine that has a concentrator for gathering information from a plurality of gaming machines in the network of gaming machines (6{9-29, 7:66-8:27 and 9:49-57)

Referring to claim 7, Vuong discloses a game machine that has a translator that translates one communication protocol to another communication protocol (8:36-40).

Referring to claim 8, Vuong discloses a gaming machine that includes the game server is a component in at least one of the plurality of gaming machines in the gaming machine network (4:6-19 and 14:25-35).

Referring to claim 9, Vuong discloses a gaming machine that includes the game server has a microprocessor for performing server functions (4:6-19). It is inherent that a game server includes a processor for performing game server functions.

Referring to claim 11, Vuong discloses a gaming machine that includes a memory device storing game information from a plurality of gaming machines (3:16-29)

Referring to claim 12, Vuong discloses a gaming machine that includes game information is a number of games played, a number of wins, number of losses, a game event, and an amount of money wagered for one or more gaming machines (9:40-62).

Referring to claims 13, Vuong discloses a gaming machine that includes the gaming information is game coding instructions that allow a master gaming controller to present the game to a player on the gaming machine (4:6-19).

Referring to claim 14, Vuong discloses a gaming machine that includes the game information is game configuration information that configures a gaming machine for the game play of a particular game (4:20-31 and 10:27-32).

Referring to claim 15, Vuong discloses a gaming machine that includes an input device and a display device wherein the two devices enable a player to select a game from a list of games and the coding instructions of each game are served on the game server (4:19-30).

Referring to claim 16, Vuong discloses a gaming machine that includes a casino area network (1:5-19).

Claims 17-23 and 25-26 correspond in scope to a method set forth for use of the structure listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 29 and 31 correspond in scope to a method set forth for use of the structure listed in the claims above and are encompassed by use as set forth in the rejection above. The first gaming machine acts as a server and the plurality of gaming machines that connect to the first gaming machine receive software configuration information from the first gaming machine.

Referring to claim 30, Vuong discloses that the game is selected from video poker, video black jack, slot games and keno.

Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong in view of Weiss (U.S. Patent No. 5,611,730).

Referring to claim 10, Vuong discloses a gaming machine that includes a memory, but does not disclose that the memory is removable. However, Weiss discloses that the memory is removable (9:12-35 and 18:27-29). One would be motivated to combine the two references since both references deal with network gaming machines. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate

removable memory into Vuong's invention because problems could occur with the memory and new memory may have to be added and the old memory be examined for diagnostic checks.

Referring to claim 24, Vuong disclose a method that has a game operation, but does not disclose the game operation being either presenting a bonus game or displaying a progressive jackpot. However, Weiss discloses a progressive gaming system. One would be motivated to combine the two references since both use network gaming systems in a casino environment. Also, it notoriously well known in the arts that slot games have bonus features, such as bonus games and progressive jackpots, to attract players. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the bonus features of Weiss with Vuong's invention because casinos can generate more money since the slot machine would attract more players.

Response to Arguments

Applicant's argument with respect to claim 1 has been considered but is moot in view of the new ground(s) of rejection.

Applicant's arguments filed October 15, 2002 have been fully considered but they are not persuasive.

Applicant argues that Vuong does not disclose sending coding instructions, wherein the software used to generate the game to the gaming machine from the game server so that the game can be generated locally on the gaming machine. The Examiner respectfully disagrees. Vuong discloses clearly that ~~the~~ when ~~the~~ a first gaming machine acting as game server is coupled by network to a plurality of gaming machines, the outcome is transmitted to the plurality

of gaming machines and that the outcome is determined by the first gaming machine (6:9-29). Therefore, the Applicant's claimed invention fails to preclude Vuong's system.

Applicant argues that Vuong does not disclose sending software settings from the first gaming machine to a second gaming machine that is used by the second gaming machine to configure itself. However, Vuong suggests that the first gaming machine acts as a server and the plurality of gaming machines that connect to the first gaming machine receive software configuration information from the first gaming machine in order to set up the games. Vuong also discloses that a plurality of gaming machines can act as a server. In order for the plurality of gaming machines to connect to any one of the servers, information has to be sent to configure the software of each of the gaming machines to get the master control information from the gaming machine that acts as the server (6:9-28). Therefore, the Applicant's claimed invention fails to preclude Vuong's system.

Applicant argues that Vuong does not disclose a concentrator for gathering information from a plurality of gaming machines in the network of gaming machines. However, Vuong discloses that the gaming machine acting as the server gathers information from the plurality of gaming machines (6:9-28). Therefore, the Applicant's claimed invention fails to preclude Vuong's system.

Applicant argues that Vuong does not disclose that the game service is a progressive game, a bonus game, accounting, game serving or game configuration. However, Vuong discloses that the game machine can act as a game server. Therefore, the Applicant's claimed invention fails to preclude Vuong's system. Alternatively, it would be obvious to incorporate either a progressive game or a bonus game (supra).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Acres et al (U.S. Patent No. 5,655,961) discloses a method of operating networked gaming devices that have gaming machines can act as progressive or bonus games (abstract). Acres further discloses the remote configuration of hardware devices.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

MARK SAGER
PRIMARY EXAMINER

ajc
March 17, 2003